

AO 91 (Rev. 11/11) Criminal Complaint

**UNITED STATES DISTRICT COURT**  
for the  
Southern District of Texas

U.S. Southern District of Texas  
United States Courts  
FILED

FEB 10 2022

Nathan Ochsner, Clerk of Court  
Case No. C-22-155M

United States of America )  
v.

Leonardo Davila Jr. )  
)  
)  
)  
)

*Defendant(s)*

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 08, 2022 in the county of Brooks in the  
Southern District of Texas, the defendant(s) violated:

*Code Section*

*Offense Description*

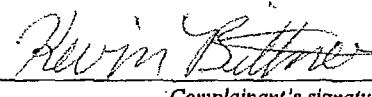
8 United States Code § 1324

Did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law.

This criminal complaint is based on these facts:

See affidavit

Continued on the attached sheet.

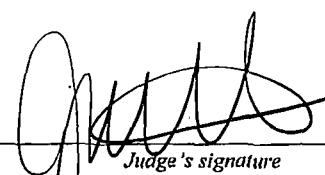
  
Complainant's signature

Kevin Bittner, HSI, Special Agent

Printed name and title

Submitted by electronic means, sworn to,  
signature attested telephonically  
per Fed. R. Crim. P. 4.1 and probable cause found:

Date: February 10, 2022

  
Judge's signature

Julie K. Hampton, U.S. Magistrate Judge

Printed name and title

City and state: Corpus Christi, Texas

AFFIDAVIT

1. On February 8, 2022, Border Patrol Agent (BPA) Jesus Ochoa, was assigned checkpoint duties at the Falfurrias Border Patrol Checkpoint near Falfurrias, Texas. At approximately 10:30 p.m., a blue tractor pulling a white trailer approached the primary inspection lane for an immigration inspection of its occupants. As the vehicle was about to make a complete stop, BPA E. Benitez signaled BPA Ochoa using his flashlight. Once BPA Ochoa looked in Benitez' direction, BPA Benitez gave BPA Ochoa a non-verbal hand gesture advising him that his Canine partner, Kalie, had alerted to the vehicle and that it needed to be referred to the secondary inspection area. Once the vehicle made a complete stop BPA Ochoa asked the driver, identified as Leonardo DAVILA Jr (DAVILA), where he was coming from. He responded "Edinburg." BPA Ochoa then asked DAVILA where he was headed, and he replied, "Houston." BPA Ochoa then asked DAVILA if he could see his bill of lading and DAVILA produced it for the agents. DAVILA was then directed to the secondary inspection area for further inspection.
2. Once in secondary, further inspection of the trailer revealed 73 concealed humans who were all determined to be unlawfully present in the United States. All 73 of the undocumented non-citizens (UNCs) were found in the trailer.
3. All subjects were interviewed and the case was sent to the USBP Prosecutions in Corpus Christi, Texas for review. USBP Prosecutions contacted HSI Corpus Christi with the information regarding the case. Case details were sent to HSI SA Kevin Bittner who accepted the case.

Material Witnesses

4. USBP Agents read all of the UDAs their Miranda warnings via form I-214. Of those who agreed to provide statements, three of them were held as material witnesses. The first material witness has been identified as Sarai Del Rosario AVALOS-Lopez (AVALOS). BPAs N. Yanez and E. Antu read her Miranda warnings in her preferred language of Spanish. AVALOS agreed to give a statement without a lawyer present.
5. AVALOS stated she left her country of birth, El Salvador on or about January 10, 2022. AVALOS stated she travel by bus through Mexico until reaching the border town of Reynosa, Mexico. AVALOS stated she crossed the river somewhere near La Grulla, Texas and later transported by a car to McAllen, Texas. She then was taken to an apartment house where there were twenty-eight other UDAs. AVALOS stated she stayed at this house for about twelve days. AVALOS stated that on the date of her arrest, she was transported by a car to an unknown place which looked like a mechanic shop. AVALOS described this place as a big lot and where the tractor was parked with the trailer doors opened. AVALOS stated she was afraid to get inside the trailer, but she had to get in because some men were forcing them to get inside the trailer. AVALOS stated that once she was inside the trailer, she saw the driver climb up into the trailer. AVALOS was able to identify DAVILA as the driver from a six-pack photo lineup shown to her. AVALOS stated that the driver got into the trailer and gave instructions to the all the

subjects inside the trailer. AVALOS stated that the driver told everyone to be quiet during the drive and gave specific instructions to everyone as to not be standing on the driver side of the trailer because the x-ray machine or the dog will detect them.

6. The next material witness interviewed was Zavier Josue GUZMAN-Hidalgo (GUZMAN). BPAs E. Antu and R. Guzman read GUZMAN his Miranda rights in his preferred language of Spanish. GUZMAN stated he understood his rights and was willing to give a sworn statement without a lawyer present.
7. GUZMAN stated he is from El Salvador. GUZMAN stated he crossed the Rio Grande River approximately 11 days ago (01/28/2022) through Reynosa, Tamaulipas. GUZMAN stated after crossing the river, he was picked up by a blue Honda Civic and taken to a house. GUZMAN stated he stayed at that first house for three days. GUZMAN stated that he was moved to another house where he stayed another 8 days. GUZMAN stated that in the second house there was approximately 40 subjects inside the house. GUZMAN stated he was taken to a tire shop waiting to be placed in the trailer. GUZMAN was shown a photo line-up and he was able to identify DAVILA as the driver of the tractor-trailer. GUZMAN stated he had ridden in the cab of a pickup with DAVILA when he was being transported to the trailer because there was no more room in the bed of the pickup. GUZMAN also stated that Davila told him his father was arrested for smuggling undocumented subjects via tractor-trailer.
8. The third material witness interviewed was Jorge Alberto RIVERA-Ramirez (RIVERA). RIVERA was interviewed by BPAs G Escareno and S. Shutte. RIVERA was read his Miranda rights in his preferred language of Spanish. RIVERA stated he understood his rights and was willing to give a sworn statement without a lawyer present.
9. RIVERA stated that he is a citizen of El Salvador who crossed the Rio Grande River several days ago (02/2/2022) through Reynosa, Tamaulipas Mexico. RIVERA declared that after crossing the international border he was taken by an unknown person to a grey wood house located in Edinburg, Texas in a pick-up truck. RIVERA mentioned that he was within a group of 4 that was taken to the grey house and that there were about sixteen people already there. RIVERA affirmed that they were there a couple of days at the grey house until they completed a total of 40 individuals. Once they reached that number of individuals, they were moved in a box truck to a warehouse that looked like a tire shop located in Edinburg, Texas. RIVERA mentioned that his sister made the arrangements from Dallas, Texas who paid 11,000 USD and then was asked for 1,500 USD more.
10. RIVERA confirmed that at approximately 7:00 PM, 2/8/2022 he was told by another alien within the load named CRISTOBAL to enter a tractor trailer that arrived at the tire shop filled with onions. RIVERA along with about 70 other individuals then mentioned that he was threatened by CRISTOBAL not to say anything, not to cough, or speak and that the trip was going to take about two hours until they would reach Houston, Texas.
11. At approximately 6:22am on 02/09/2022, RIVERA was offered a 6-pack photo lineup of different male subjects. RIVERA identified two individuals from the lineup. RIVERA

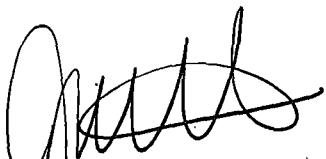
identified the subject listed #1 as the person who took their phones, identification documents and money if they had any at the warehouse. RIVERA also identified subject #3 as the individual who drove the tractor trailer and mentioned that the trip would take two hours until they reached Houston, Texas. #3 was identified as DAVILA.

12. SA Bittner contacted AUSA Patrick Overman who accepted the case for prosecution against Leonardo DAVILA Jr. for violation of Title 8 U.S.C. § 1324 – Alien Smuggling. RIVERA, GUZMAN, and AVALOS were held as material witnesses.



Kevin Bittner  
Special Agent  
Homeland Security Investigations

Submitted by electronic means, sworn to, signature  
attested telephonically per Fed. R. Crim. P. 4.1, and  
probable cause found on this day February 10th, 2022:



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Julie K. Hampton  
United States Magistrate Judge